

From: Steve Scheiblauber [<mailto:Scheibla@ci.monterey.ca.us>]  
Sent: Wednesday, January 11, 2006 5:28:54 PM  
To: Phil Isenberg

Phil,

I am writing to alert you to what could well be a couple of significant problems in the Blue Ribbon Task Force's deliberations on the Networks and MPAs.

The first problem refers to your memo of January 9, 2006 which contains this statement: "Similarly, the BRTF may extract and analyze various pieces from each of the Packages to create a recommended Package (or hybrid Packages/s) if that seems appropriate." Whoa! This seems very dangerous territory for the BRTF, the State, and stakeholders. I realize that you've only said the Task Force MAY do this, but I hope that you will think carefully about the implications of this. I think this is a terrible idea, and it would completely undermine the negotiations that have gone on at the stakeholder level in working with our constituencies to develop these Packages, and also in regard to the negotiations that went on between Package proponents. Each Package is meant to be a Network that has a scientific rationale as well as a policy rationale with regards to the goals and objectives of the Act.

Each Package has been built in this manner, with much negotiation \* such things as "I can give up this area, if I can be sure to keep this other area". Further, the thought that the BRTF may create their own hybrid seems to undermine the requirement of the Act that alternative MPA Network Proposals be brought forward to the Fish & Game Commission, unless you plan on submitting a BRTF hybrid in addition to the other Packages. Regarding my comment above that there is a rationale behind each of these proposals, it's hard to see how the BRTF could negotiate between yourselves a comprehensive network proposal at a BRTF meeting. I just don't see the Task Force as being knowledgeable enough about habitats, species, uses, etc.

Perhaps it is the intention of the BRTF to try to drive down the middle of the road, or "split the baby" on critical issues. This also undermines the network as a whole rationale theory.

Still, the real damage of this approach will not come until the State moves onto North or South in the next planning process. Who is going to do the work necessary to develop and write up all the boiler plate for a network if you know that a future Blue Ribbon Task Force is just going to make their own network from all the work done by others? If you try to create a "split the baby" hybrid, you will encourage these future stakeholder efforts to create more, and more extreme, proposals to try and move the center of the road.

From the beginning this Initiative made a great point of extolling its transparency and precedent-setting stakeholder involvement \* the only lines on maps were to be drawn by stakeholders \* not the SAT and not the BRTF. The intention of this unprecedented stakeholder involvement was to address and overcome a finding of the NRC report and other research since (e.g. the initial presentation given by Tundi Agardy to BRTF). To quote a finding in the National Academy of Sciences MPA report: "A fundamental lesson learned from experience throughout the world is that attempts to implement MPAs in the absence of general community support invariably fail."

For these reasons I sincerely hope that the Blue Ribbon Task Force does not go down the path of trying to piece together your own proposal. With all due respect, you don't have the expertise, or the time to do this, and it would hugely undermine all that has gone before.

I also want to point out that there is the possibility that the SAT "advice" provided on the various networks will exceed the guidance found in the Master Plan Framework and adopted by the Fish & Game Commission.

I hope that the Blue Ribbon Task Force will stay very much on track with the SAT to make sure that they stay with that guidance and do not creep into other areas. Examples of mission creep are Dr. Gaines' ranking of size/shape criteria as "minimum" and "ideal" at the November meeting, which were not expressed in the original MPF advice. (Your questions to Dr. Gaines on this were noted and appreciated.) Likewise, it may be that the SAT will try to rank protection provided by MPAs, based on no empirical data but simply "we think". I doubt that all SAT members will agree with this ranking, and note that it could prejudice the advice toward more restrictive MPA network packages, which may well go beyond the requirements of the Act. I was also present during the FGC meeting when the MPF was being considered. In answer to Commission concerns, the Commission was assured that the SAT advice and MPF guidelines were not prescriptive. This discussion is available on tape.

Ultimately this is a yes or no question for the SAT as to whether these packages meet the requirements of the Act and the guidance found in the Master Plan Framework. If the answer is no, there needs to be a credible reason subject to discussion as to why that is the case. We have heard repeatedly that the SAT is not to design the network. If they get into weighing individual MPAs or the Networks, they will be designing the network for all practical purposes. I do applaud your memo for allowing opportunities for the different proponents to respond to SAT and BRTF advice, but I hope the Blue Ribbon Task Force will stay very sharp on this point of what is and is not in the Master Plan Framework.

Thank you for considering these thoughts, Phil. I know this is a hard job for all of you, and please take my comments in the spirit of warning you of potential landmines.

Thanks!

Steve